

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

AUG 26 2015

ATLANTA DIVISION

JAMES N. HATTEN, Clerk
By: *Cheryl Hatten* Deputy Clerk

8-23-15
ADAM GARBER
Gwinnett County ID # 99499879
Petitioner (Plaintiff),

CIVIL ACTION NO.
1:15:CV-00123-AT-JCF

V.

Sheriff Butch Conway,
Col. Don Pinkard,
Major D. Hughes,
GWINNETT COUNTY JAIL CORPORATION, ET AL,
Respondent (Defendant).

MOTIONS FOR RECONSIDERATION

MOTIONS FOR RECONSIDERATION

CONSOLIDATED MOTIONS HEREIN (1) GARBER, HEREIN, BRINGS
THESE MOTIONS BACK TO THE HONORABLE COURT MOVING FOR THE
JUDGES HEREIN TO RECONSIDER THE ORDER FROM AUGUST 14TH 2015
BY JUDGE AMY TOTENBERG FROM THE R & R FROM JUDGE FULLER
AND HIS RECOMMENDATION TO THIS COURT.

AUTHORITY FOR PROMULGATION OF RULES, FEDERAL RULES OF
CIVIL PROCEDURE 28 USC 2072 (b) ALL LAWS IN CONFLICT
WITH THESE RULES SHALL BE OF NO FURTHER FORCE OR EFFECT
AFTER SUCH RULES HAVE TAKEN EFFECT.

FED. R. CIV. PROCD. 19 AND LOCAL RULES THAT SUPPLEMENT THESE
RULES 7.1 MULTIPLE MOTIONS FILED AT THE SAME TIME, IN
THE SAME CASE, SHALL BE CONSOLIDATED INTO ONE MOTION
WITH MULTIPLE, CLEARLY LABELED PARTS AND SUBPARTS,
CITED IN STEGMAN V. HORTON HOMES, INC., 845 F.Supp.1571
(M.D. GA 1994)

MOTION TO ADD DEFENDANTS AND PLAINTIFFS BY AUTHORITY
FED. R. CIVIL. PROCD. 19 (A)

GARBER, HEREIN MOVES THE HONORABLE COURT BY THE ABOVE
AUTHORITY FOR PERSONS TO BE JOINED DUE TO THE MANY
INCONSISTANT RULES, S.O.P.'S, AND THE CONSTITUTIONAL

DEPRIVATIONS OF THE STATE AND UNITED STATES WHERE DEPUTYS WHO WILL BE NAMED AND SOME UNKNOWN DEPUTYS WILL BE REFERRED AS SUCH, (UNKNOWN).

19(A)(1) THE ADDITIONS WILL NOT DEPRIVE THE COURT OF SUBJECT MATTER JURISDICTION AND ACCORDINGLY MUST BE JOINED AS PARTY. 19(A)(4) WITHOUT THE PERSONS WHO WILL BE ADDED THIS COURT CANNOT ACCOUNT COMPLETE RELIEF AND CLAIMS THAT HAVE NOT BEEN ASSERTED WILL BRING TO LIFE PARTYS CONVEYANCE THAT DEFENDANTS IGNORE IN THE OPERATIONS OF DEFENDANTS CAPACITYS. RULE 17.(B)(6) CAPACITY TO SUE OR BE SUED, FOR A CORPORATION, BY THE LAW UNDER WHICH IT WAS ORGANIZED (ETC). FED. R. CIV. PROC. (A INTEREST OF PERSON, CORPORATE DISCLOSURE STATEMENT WILL BE NEEDED AND MOTIONS FOR THIS ISSUE WILL BE CONSOLIDATED HEREIN, AS BY LOCAL RULE 7.1 AUTHORIZES.)

UNITED STATES CONSTITUTION AND THE STATE OF GEORGIA CONSTITUTION HAVE BEEN VIOLATED AND DENIED TO INDIVIDUALS WHO WILL STATE THE CLAIMS, WHEN JOINED AS PARTY TO LIGHT THAT OTHERWISE, INCLUDE CLAIMS AT ISSUE. (RULE 19.(A)(1)(B)(11), MAY LEAVE AN EXISTING PARTY SUBJECT TO A SUBSTANTIAL RISK OF INCURRING DOUBLE MULTIPLE OR OTHERWISE INCONSISTANT OBLIGATIONS BECAUSE OF THE INTEREST GEORGIA CONSTITUTION, ART. I, SECT. I, PARAGS. I AND II. NO PERSON SHALL BE DEPRIVED OF LIFE, LIBERTY OR PROPERTY EXCEPT BY DUE PROCESS OF LAW. 14TH AMENDMENT- PROTECTION TO PERSON AND PROPERTY IS THE PARAMOUNT DUTY OF GOVERNMENT AND SHALL BE IMPARTIAL AND COMPLETE. NO PERSON SHALL BE DENIED EQUAL PROTECTION OF THE LAWS - 14TH AMENDMENT.

GEORGIA CONSTITUTION, ART. I, SECT. I, PARAG. VII. IT SHALL BE THE DUTY OF THE ~~SENATE~~ GENERAL ASSEMBLY TO ENACT SUCH LAWS AS WILL PROTECT THEM IN THE FULL ENJOYMENT OF THE RIGHTS, PRIVILEGES, AND IMMUNITIES DUE TO SUCH CITIZENSHIP. GEORGIA CONSTITUTION, ART. V, SECT. II, PARAG. II THE GOVERNOR SHALL TAKE CARE THAT THE LAWS ARE FAITHFULLY EXECUTED AND SHALL BE THE CONSERVATOR OF THE PEACE THROUGHOUT THE STATE.

FEDERAL RULES CIVIL PROCEDURE 19.(A)(2) IF A PERSON

HAS NOT BEEN JOINED AS REQUIRED, THE COURT MUST ORDER THAT THE PERSON BE MADE A PARTY, (ETC).

FEDERAL RULES CIVIL PROCEDURE 20. (A) PERSONS WHO MAY JOIN OR BE JOINED.

20. (A) (1) PLAINTIFFS, PERSONS MAY JOIN IN ONE ACTION AS PLAINTIFFS IF (A) THEY ASSERT ANY RIGHT TO RELIEF JOINTLY, SEVERALLY, OR IN THE ALTERNATIVE WITH RESPECT TO OR ARISING OUT OF THE SAME TRANSACTIONS OR OCCURRENCES, AND (B) ANY QUESTION OF LAW OR FACT COMMON TO ALL PLAINTIFFS WILL ARISE IN THE ACTION.

20. (A) (2) DEFENDANTS PERSON - AS WELL AS A VESSEL, CARGO OR OTHER PROPERTY SUBJECT TO ADMIRALTY PROCESS IN REM - MAY BE JOINED IN ONE ACTION AS DEFENDANTS IF: (A) ANY RIGHT TO RELIEF IS ASSERTED AGAINST THEM JOINTLY, SEVERALLY, OR IN THE ALTERNATIVE WITH RESPECT TO OR ARISING OUT OF THE SAME TRANSACTION, OCCURRENCE, OR SERIES OF TRANSACTIONS OR OCCURRENCES; AND (B) ANY QUESTION OF LAW OR FACT COMMON TO ALL DEFENDANTS WILL ARISE IN THE ACTION.

RULE 20. (B) PROTECTIVE MEASURES, THE COURT MAY ISSUE ORDERS - INCLUDING AN ORDER FOR SEPARATE TRIALS - TO PROTECT A PARTY AGAINST EMBARRASSMENT, DELAY, EXPENSE, OR OTHER PREJUDICE THAT ARISES FROM INCLUDING A PERSON AGAINST WHOM THE PARTY ASSERTS NO CLAIM AND WHO ASSERTS NO CLAIM AGAINST THE PARTY.

CONSOLIDATED MOTION (2)

MOTION FOR DEFENDANTS TO PROVIDE THE INTEREST OF PERSONS CORPORATE DISCLOSURE STATEMENT TO PLAINTIFFS HEREIN AND OR THEIR REPRESENTATIVES, (ATTORNEYS).

FEDERAL RULES OF CIVIL PROCEDURE RULE 7.1 (A)

WHO MUST FILE DISCLOSURE STATEMENT. A NON-GOVERNMENTAL CORPORATE PARTY MUST FILE 2 COPIES OF A DISCLOSURE STATEMENT THAT =

(A) (1) IDENTIFIES ANY PARENT CORPORATION AND ANY PUBLICLY HELD CORPORATION OWNING 10% OR MORE OF ITS STOCK; OR

(A) (2) STATES THAT THERE IS NO SUCH CORPORATION.

(B) TIME TO FILE; SUPPLEMENTAL FILING. A PARTY MUST =

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(1) FILE THE DISCLOSURE STATEMENT WITH ITS FIRST APPEAR-
ANCE PLEADING, PETITION, MOTION, RESPONSE, OR OTHER
REQUEST ADDRESSED TO THE COURT; AND (2) PROMPTLY
FILE SUPPLEMENTAL STATEMENT IF ANY REQUIRED
INFORMATION CHANGES.

IN THIS PROCEEDING GARDNER, 1:15-CV-00123 CANNOT
PERFORM SERVICE; (SEE O.C.G.A. 9-11-4) UNTIL THIS
CORPORATE DISCLOSURE STATEMENT HAS BEEN EXPOSED
FEDERAL RULES CIVIL PROCEDURE 22. INTERPLEADER
22. (A) GROUNDS. 22 (A)(1) PERSON WITH CLAIMS THAT
MAY EXPOSE A PLAINTIFF TO DOUBLE OR MULTIPLE LIABILITY
MAY BE JOINED AS DEFENDANTS AND REQUIRED TO INTERPLEAD.
JOINDER FOR INTERPLEADER IS PROPER EVEN THOUGH=
(A) THE CLAIMS OF SEVERAL CLAIMANTS OR THE TITLES
ON WHICH THEIR CLAIMS DEPEND, LACK A COMMON
ORIGIN OR ARE ADVERSE AND INDEPENDANT RATHER
THAN IDENTICAL; (ETC). (B) RELATION TO OTHER RULES
AND STATUTES, THIS RULE SUPPLEMENTS; (RULE 20.)
AND DOES NOT LIMIT - THE JOINDER OF PARTYS.

CONSOLIDATED MOTION (3)
MOTION FOR COMPLETION OF THIS MOTION AND TO
HAVE THIS COURT SPECIFY ITS ORDERS FROM PAGE
5 SECOND R AND R TO EACH OF PLAINTIFFS CLAIMS
NOT ESTABLISHING HIS RIGHT TO PRELIMINARY
RELIEF AND TO EXPEDITE; (RESPECTFULLY) THESE PROCEEDINGS.
GARDNER NOW MOVES THIS COURT SPECIFICALLY TO
REVIEW THE DENIED CLAIMS AND THIS MOTION
FOR RECONSIDERATION AND AFTER AMENDMENTS ALLOW
AVERMENTS TO THE MODIFIED VERSION; (IF MODIFIED),
WHERE OBJECTIONS OR ADDITIONS MAY BE AVAILABLE
OR BY RULES MANDATORY.

THE CORPORATIONS INVOLVED ARE THE GWINNETT
COUNTY JAIL CORPORATION AND R.L. CONWAY CORPORATION,
THE RULE 20(B) MOTION FOR JOINDER OF PARTYS, RULE
23 CLASS ACTION, (FEDERAL RULES CIVIL PROCEDURE), ARE
RULES 18 THROUGH 23 AND MUST BE COMPLETED
WITH IN THIS ACTION FOR THE INTEREST OF THE
PLAINTIFFS, (MANY TO ADD), AND SPECIFICALLY THE INTEREST
OF THE DEFENDANTS. THESE CIVIL RULES ARE PRECEDENT
TO LOCAL RULES AND CASES CITED 28 USC 2072.
(A)(B) ALL LAWS IN CONFLICT WITH SUCH RULES

SHALL BE OF NO FURTHER FORCE OR EFFECT AFTER SUCH RULES HAVE TAKEN EFFECT.

(ADDED PUB. L. 100-702, TITLE IV, § 401 (A). NOV. 19TH 1988. 102 STAT. 4648, EFF DATE DEC. 1ST 1988; AMENDED PUB. L. 101-650, TITLE III, § 315, 321. DEC. 1ST 1990, 104 STAT. 5115, 5117.)

SEE FEDERAL RULES OF CIVIL PROCEDURE WITH FORMS DECEMBER 1, 2013 PRINTED FOR THE USE OF THE COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES.

ACCORDING TO FED. R. CIV. P. 11(C), THE DEFENDANTS THAT HAVE RESPONDED ALREADY HAVE MADE FRIVOLOUS STATEMENTS AS TO SERVICE AND HAS CAUSED DELAY, HARRASSMENT, AND NEEDLESS COST IN LITIGATION/LITIGATING ~~THE~~ MY CLAIM. 11.(A) SIGNED BY DEFENDANT AND THEIR ATTORNEY, (B)(1); (B)(2); (B)(3); (B)(4) ARE QUESTIONABLE AS TO DEFENDANTS PLEADING AND WERE NOT ACCOMPAINED BY A CORPORATE DISCLOSURE STATEMENT RULE 7.1

CONSOLIDATED MOTION (4)

MOTION FOR CLASS ACTION / CERTIFICATION FOR CLASS ACTION, UNDER FEDERAL RULES OF CIVIL PROCEDURE, RULE 23.

IN ACCORDANCE WITH R AND R, I WAS DENIED CLASS BECAUSE I COULD NOT REPRESENT THE CLASS OF INMATES OF 2,200 PLUS. BECAUSE AS PRO SE, INMATE IS NOT ALLOWED TO AM AN ATTORNEY MUST DO SO.

AS STATED UNDER RULE 23(G)(1), A COURT THAT CERTIFIES A CLASS MUST APPOINT CLASS COUNSEL.

UNDER 23(G)(4)(A)(i) "GERALD WEBER, ESQ. BAR#744878 OF GEORGIA, PHONE#(404) 522-0507" AND OTHERS

SUCH AS PRISON LEGAL NEWS HAS AND WILL CONTINUE TO ENSURE THAT DETAINEES MAINTAIN THE CONSTITUTIONAL RIGHTS WE ARE ENTITLED TO. THEY HAVE FOUGHT CLASS ACTION LAWSUIT TO THE SAME EXACT ISSUES ACROSS THE COUNTRY, INCLUDING AS OF RECENTLY CASE NO: 3:12-CV-125. WE INMATES ARE INNOCENT UNTIL PROVEN GUILTY AND OUR RIGHTS SHOULD NOT BE DENIED, VIOLATED OR TAMPERED WITH. AS FOR (i)(ii), AND (iv) PLEASE VIEW SUPRA. AS FOR (G)(3) HE / THEY BOTH WITHOUT A DOUBT MEET THE REQUIREMENT UNDER RULE 23(G)(1) AND (4), AND AT THE VERY LEAST RULE

23 (6)(3) INTERIM COUNSEL TO SHOW HOW PUTATIVE CLASS BEFORE DENYING EVERYONE HERE A CHANCE TO ASSIST IN POSITIVE CHANGE.

CONSOLIDATED MOTION (5)

MOTION FOR EXTRA LAW LIBRARY ACCESS.

AS STATED IN NUMEROUS CASES, A SHORT PERIOD OF TIME IS NOT ADEQUATE TO RESEARCH, AND PREPARE THE BEST BRIEFS, OR MOTIONS TO HELP SUCCEED IN LITIGATION. AS STATED NO LEGAL TRAINING OR SCHOOLING FOR LAW. A I AM HINDERED WHILE DEFENDANTS HAVE ACCESS TO EVERY TOOL FROM INTERNET TO BOOKS 24/7. AND AT THE CURRENT TIME IT IS "GARBER 27 YEAR OLD WITH A GED" AGAINST GWINNETT'S CHIEF ASSISTANT ATTORNEY. PLEASE VIEW JOHNSON-EL V. SCHOEMEHL, 878 F.2d 1043, 1053 (8th Cir. 1989) ONE HOUR TWICE A WEEK IN LAW LIBRARY WAS "OBVIOUSLY INADEQUATE TO RESEARCH MOST LEGAL CLAIMS"; WILLIAMS V. LEEHE, 548 F.2d at 1340 ("MEANINGFUL LEGAL RESEARCH" CANNOT BE DONE IN 45-MINUTE INTERVALS; CRUZ V. HAUCK, 627 F.2d at 720 (TWO OR THREE HOURS A WEEK MIGHT BE INADEQUATE; "THE PARAMOUNT CONSIDERATION IS WHETHER THE... HOURS OF [REDACTED] AVAILABILITY ARE SUFFICIENT TO PROVIDE FOR MEANINGFUL LEGAL RESEARCH.

I CURRENTLY GET ABOUT 1 HOUR 30 MINUTES A WEEK, 45 MINUTES I AM RESEARCHING CASES, THEN 45 OF LOOKING AT MOTION BOOKS STARTING TO DRAFT A BASIC OUTLINE, REQUESTING AT LEAST 3 HOURS AND INCLUDED FREE LEGAL CALLS DURING MY WEEKLY ACCESS.

CONSOLIDATED MOTION (6)

MOTION FOR APPOINTMENT OF COUNSEL.

BY DENYING APPOINTMENT OF COUNSEL, THEIR ARE APPLICABLE LEGAL PRINCIPLES ~~FOR~~ TO THE COMPLAINT AND... LIMIT LITIGATION TO POTENTIALLY MERITORIOUS ISSUES. IN ADDITION, APPOINTMENT OF COUNSEL/LAWYER PROVIDES THE UNLETTERED INMATE WITH AN OPPORTUNITY TO OBTAIN REPRESENTATION EQUALLY QUALIFIED WITH THE PROFESSIONAL COUNSEL USUALLY PROVIDED BY THE STATE FOR THE DEFENDANTS. FREQUENTLY, AS IN THE PRESENT INSTANCE, A LAWYER CAN NEGOTIATE THE SETTLEMENT OF A MERITORIOUS CLAIM. IF THE CASE

GOES TO TRIAL, COUNSEL FOR PLAINTIFF CAN SHORTEN THE TRIAL AND LIMIT EVIDENCE TO RELEVANT ISSUES, BENEFITING HIS CLIENT, OPPOSING PARTIES AND THE COURT.

~~SEE KNIGHTON V. WATKINS, 616 F.2d 795, 799 (5th Cir. 1980) AND IN TABRON V. GRACE, 6 F.3d at 156 (HOLDING THAT NEED FOR DISCOVERY SUPPORTS APPOINTMENT OF COUNSEL) AND PARHAM V. JOHNSON, 126 F.3d 454, 459 AND 460 (3rd Cir. 1999) ("...[T]HE PRISONER'S LACK OF LEGAL EXPERIENCE AND THE COMPLEX DISCOVERY RULES CLEARLY PUT HIM AT A DISADVANTAGE IN COUNTERING THE DEFENDANT'S DISCOVERY TACTICS [AND THAT]... THESE [DISCOVERY] RULES PREVENTED [THE PLAINTIFF] FROM PRESENTING AN EFFECTIVE CASE BELOW.") AND ("IT MAY BE DIFFICULT FOR INDIGENT PLAINTIFFS TO UNDERSTAND THE COMPLEX DISCOVERY RULES" IN INVESTIGATING THEIR CLAIMS) ALSO IN ABDULLAH V. GUNTER, 949 F.2d at 1036 (NOTING NEED FOR COUNSEL TO INVESTIGATE THE APPLICATION OF AND ALTERNATIVE TO A CHALLENGED PRISON REGULATION), WITH THAT BEING SAID I WOULD LIKE MY APPOINTMENT FOR COUNSEL FOR GERALD WEBER RECONSIDERED PLEASE.~~

SEE ALSTON V. PARKER, 363 F.3d 224, 231 (3d Cir. 2004) APPOINTMENT OF COUNSEL TO INDIGENT PLAINTIFF APPROPRIATE GIVEN LEGAL AND FACTUAL MERITS OF CRUEL AND UNUSUAL PUNISHMENT AND INVOLUNTARY COMMITMENT CLAIMS;

CONSOLIDATED MOTION (7)

MOTION TO FIX OR APPEAL IF NEEDED

ACCORDING TO FED. R. CIVIL P. 11 (6), IF DEFENDANTS REFUSE TO CORRECT OR WITHDRAW. I WILL SUBMIT A MOTION FOR SANCTION.

CONSOLIDATED MOTION (8)

MOTION TO ADD MAGAZINE BLANKET POLICY HERE TO ADDITIONAL CLAIM SINCE IT WAS DENIED PRELIMINARY INJUNCTION.

PLAINTIFF RESPECTFULLY REQUEST FOR REVIEW OF THE (8)
MOTIONS AND PRAYS FOR THE RELIEF AS BEEN ASKED FOR.

LAMENTATIONS 3:31-36 (KING JAMES VERSION)

FOR THE LORD WILL NOT CAST OFF FOREVER: BUT THOUGH
HE CAUSE GRIEF, YET WILL HE HAVE COMPASSION ACCORDING
TO THE MULTITUDE OF HIS MERCIES. FOR HE DOTHT
NOT AFFLICT WILLINGLY, NOR GRIEVE THE CHILDREN OF
MEN. TO CRUSH UNDER HIS FEET ALL THE PRISONERS
OF THE EARTH, TO TURN ASIDE THE RIGHT OF A MAN
BEFORE THE FACE OF THE MOST HIGH, TO SUBVERT A
MAN IN HIS CAUSE, THE LORD APPROVETH NOT.

8-23-15

Adam Garber # 99499879
G.C.D.C ADAM GARBER
2900 UNIVERSIT PARKWAY
LAURENCEVILLE GA 30043

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Certificate of Service

Plaintiff Adam Garber # 99499879, At Gwinnett County Detention Center has mailed a copy of everything to Duane D. Pritchett, at 75 Langley Drive Lawrenceville Georgia 30046-6935 through Gwinnett County Internal Mail, and Forwarded to United States Postal Service on 08-23 -2015.

I also have sent a copy to the United States District Court in Atlanta Georgia.
A HAND WRITTEN COPY OF MOTIONS FOR RECONSIDERATION

X /s/ 

Adam Garber # 99499879

Gwinnett County Detention Center

2900 University Parkway

Lawrenceville GA 30043